

## **IC 25-1-1.1**

### **Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons**

#### **IC 25-1-1.1-0.5**

##### **"Board"**

Sec. 0.5. As used in this chapter, "board" has the meaning set forth in IC 25-0.5-10-1.

*As added by P.L.177-2015, SEC.3.*

#### **IC 25-1-1.1-1**

##### **Denial, revocation, or suspension of license or certificate of registration; conviction of crime**

Sec. 1. (a) Except as provided under sections 2 through 5 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(b) An individual licensed or certified under this title shall, not later than ninety (90) days after the entry of an order or judgment, notify the board in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol. A certified copy of the order or judgment with a letter of explanation must be submitted to the board along with the written notice.

*(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6; P.L.155-2011, SEC.5; P.L.177-2015, SEC.4.*

#### **IC 25-1-1.1-2**

##### **Suspension, denial, or revocation of a license or certificate for specified convictions**

Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a

crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a:

(A) Class D felony for a crime committed before July 1, 2014, under:

(i) IC 35-48-4-11, before its amendment in 2013; or

(ii) IC 35-48-4-11.5; or

(B) Level 6 felony for a crime committed after June 30, 2014, under IC 35-48-4-11.5.

(10) Maintaining a common nuisance under IC 35-48-4-13.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) A sex crime under IC 35-42-4.

(15) A felony that reflects adversely on the individual's fitness to hold a professional license.

(16) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

*As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10; P.L.138-2011, SEC.6; P.L.182-2011, SEC.6; P.L.155-2011, SEC.6; P.L.6-2012, SEC.168; P.L.78-2012, SEC.7; P.L.196-2013, SEC.9; P.L.158-2013, SEC.277; P.L.168-2014, SEC.36.*

### **IC 25-1-1.1-3**

#### **Suspension or revocation of license or certificate; conviction for additional drug related offenses**

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug

under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

*As added by P.L. 67-1990, SEC.8. Amended by P.L. 182-1991, SEC.1; P.L. 17-2001, SEC.6; P.L. 1-2002, SEC.94; P.L. 151-2006, SEC.11; P.L. 138-2011, SEC.7; P.L. 182-2011, SEC.7; P.L. 78-2012, SEC.8; P.L. 196-2013, SEC.10; P.L. 238-2015, SEC.6.*

#### **IC 25-1-1.1-4**

##### **National criminal history background check for certain licenses and certificates; release of background results; random audit**

Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the occupations or professions described in IC 25-0.5-1.

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history

background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

*As added by P.L.155-2011, SEC.7. Amended by P.L.28-2012, SEC.23; P.L.232-2013, SEC.9; P.L.3-2014, SEC.6.*

#### **IC 25-1-1.1-5**

##### **Memorandum of understanding for data exchange; use of personal information**

Sec. 5. (a) As used in this section, "licensee" refers to an individual who is licensed or certified in a profession set forth in section 4 of this chapter.

(b) As used in this section, "personal information" means information that identifies an individual, including the following:

- (1) Photograph.
- (2) Social Security number.
- (3) Driver's license number or identification card number.
- (4) Name.
- (5) Address.
- (6) Telephone number.
- (7) Fingerprints.

(c) The state police department and the Indiana professional licensing agency shall enter into a memorandum of understanding to provide data exchange and data matching regarding licensees who are charged with or convicted of an offense.

(d) Personal information data exchanged under subsection (c) shall be kept confidential and may be used only for the purposes of a government agency, including the following:

- (1) A prosecuting attorney.
- (2) The Indiana professional licensing agency or a board, committee, or commission administered by the Indiana professional licensing agency.
- (3) A court.
- (4) A law enforcement agency.
- (5) The office of the attorney general.

*As added by P.L.155-2011, SEC.8.*